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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,576	06/25/2003	Michael J. Hier	1-73893	3331

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EXAMINER

DUNN, DAVID R

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/603,576	Applicant(s) HIER ET AL.	
	Examiner David Dunn	Art Unit 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 9-11, 14, 17-19 and 21-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 9-11, 14, 17-19 and 21-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is responsive to the amendment filed July 6, 2005. Claims 5-8, 12, 13, 15, 16, and 20 have been canceled.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 17 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 17 is indefinite as it is dependent from claim 12, however claim 12 has been canceled. Additionally, it is noted that claim 17 recites "an inflatable air bag", however claim 1 has already recited "an air bag".

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4, 9, 14, 19, 25, and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Stuckle (DE 196 26 903 A1; cited in IDS).

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Stuckle discloses a cross beam assembly comprising: an air bag (16; see Figure 1); a beam (4; see Figure 2) defining an opening therein (12); an inflator (13) including a source of pressurized gas for inflating the air bag disposed in the hollow interior of the beam, such that the inflator is integrally formed in the beam such that a portion of the beam defines walls of the inflator (see Figure 2); and a chute (5) connected to the beam, wherein the air bag is disposed in the chute (see Figure 2). The beam has a generally constant cross-sectional area. The beam has a strengthening member (base of chute) defining a sleeve. The beam includes a pair of walls (7) in the interior of the beam.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakazato in view of Yves (FR 2,704,510).

Nakazato is discussed above but fails to show the walls attached by a crimp.

Yves teaches a cross beam with an inflator with side walls (17, 18) which are attached by a crimp (see bends in beam 7, Figure 4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Nakazato with the teachings of Yves in order to secure the side walls with an inexpensive method such as a crimp.

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7. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakazato in view of Storey et al. (5,588,670)

Nakazato is discussed above but fails to show the walls attached by a weld.

Storey teaches the use of welding in an inflator (see column 2, lines 35-41).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Nakazato with the teachings of Storey et al. in order to securely attach the side walls.

8. Claims 17, 18, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakazato (GB 2,227,212 A) in view of Lutz (6,126,195).

Nakazato discloses a cross beam assembly comprising: an airbag (12); a beam (7) defining an opening (7a); an inflator (10); a chute (9) connected to the beam. The inflator is a separate canister.

Nakazato fails to show a door integrally formed with the chute.

Lutz teaches an airbag installed in a chute (3) with a door (5) integral formed with the chute.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Nakazato with the teachings of Lutz to provide the chute with an integral door in order to a secure door assembly.

9. Claims 21, 23, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stuckle in view of Lutz.

Stuckle is discussed above but fails to show a door integrally formed with the chute.

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Lutz teaches an airbag installed in a chute (3) with a door (5) integral formed with the chute.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Stuckle with the teachings of Lutz to provide the chute with an integral door in order to a secure door assembly.

10. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stuckle in view of Nakazato.

Stuckle is discussed above but fails to show the inflator being a separate canister.

Nakazato teaches a beam with an inflator being a separate canister as discussed above.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Stuckle with the teachings of Nakazato in order to provide a separate inflator such that the inflator could be more easily replaced as necessary.

11. Claims 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakazato in view of Stuckle.

Nakazato is discussed above but fails to show a plurality of openings in the beam.

As discussed above, Stuckle teaches a beam with an inflator. The beam has a plurality of openings.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Nakazato with the teachings of Stuckle to provide the beam with a plurality of smaller holes in order to provide a stronger beam.

Response to Arguments

12. Applicant's arguments filed July 6, 2005 have been fully considered but they are not persuasive. Applicant argues that non of the references teaches the inflator assembly integrally formed in the beam and including a chute connected to the beam with the air bag in the chute. As noted in the rejection above (see item #4), Stuckle clearly shows each of these elements.

Conclusion

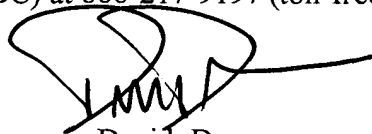
13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Dunn whose telephone number is 571-272-6670. The examiner can normally be reached on Mon-Fri, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Dunn', with a large, loopy flourish above it.

David Dunn
Primary Examiner
Art Unit 3616